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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,211	04/10/2006	Mark Alan Graham	7175-74602	6912
23643	7590	03/18/2009	EXAMINER	
BARNES & THORNBURG LLP			SY, MARIANO ONG	
11 SOUTH MERIDIAN				
INDIANAPOLIS, IN 46204			ART UNIT	PAPER NUMBER
			3657	
			NOTIFICATION DATE	DELIVERY MODE
			03/18/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[indocket@btlaw.com](mailto:indocket@btlaw.com)

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/575,211	GRAHAM ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	MARIANO SY	3657

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 February 2009.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) 6,7,11-13,19 and 21 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5,8-10,14-18 and 20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

1. The amendment filed on February 6, 2009 has been received.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5, 15, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Komura (US 4,548,373).

Komura disclosed, as shown in fig. 1-2, a patient care equipment support system comprising: an arm 2, 3 supported in a hospital room for pivoting movement about a vertical axis, a column 1, 10 coupled to the arm, the column support patient care equipment, and a brake 7a movable between braking and releasing position to impede or allow pivoting movement of the arm, at least one service line that provides to the patient care equipment being routed into the arm passed the brake, see abstract.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 8-10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komura in view of Ogasawara et al. (US 5,265,701).

Komura failed to disclose wherein the brake includes a brake pad engaging the pivot member, caliper arm and a linear actuator coupled to the caliper arm and brake pad.

Ogasawara et al. teaches the use of a linear actuator coupled to the brake pad and caliper arm and engagement with a pivot member.

It would have been obvious to one of ordinary skill in the art to use the known brake into the system of Komura, as taught by Ogasawara et al., as an alternate design choice with the same intended function of braking and releasing the movement of the arm about the axis.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Komura in view of Rotondo et al. (US 7,197,109).

Komura failed to disclose wherein the arm is a telescoping arm.

Rotondo et al. teaches, as shown in fig. 6a, the use of a telescoping arm in an x-ray imaging apparatus.

It would have been obvious to one of ordinary skill in the art to use the known telescoping arm into the system of Komura, as taught by Rotondo et al., in order to be able to have variable reaching positions for the arm.

8. Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komura in view of Marchese et al. (US 6,213,481).

Komura failed to disclose wherein the arm extends outwardly from a headwall support structure or supported by a ceiling structure.

Marchese et al. teaches the use of an arm 2 equipped with a vertical column and a fixing device 1 allowing the structure to be fixed to the ceiling or to a wall, see abstract.

It would have been obvious to one of ordinary skill in the art to have the arm extends outwardly from a headwall support structure or supported by a ceiling structure into the system of Komura, as taught by Marchese et al., as a matter of design choice of mounting the system to a fix location.

***Response to Arguments***

9. Applicant's arguments filed on February 6, 2009 have been fully considered but they are not persuasive.

Applicants amended claims 1 and 18 by adding "at least one service line that provides a service to the patient care equipment being routed into the arm passed the brake". Note that the phrase "passed the brake" is relatively broad since it does not show the direction. Examiner maintains Komura (US 4,548,373) still reads on the amended independent claims 1 and 18.

***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARIANO SY whose telephone number is (571)272-7126. The examiner can normally be reached on Mon.-Fri. from 8:30 A.M. to 2:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi, can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/MS/

March 3, 2009

/Robert A. Siconolfi/

Supervisory Patent Examiner, Art

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